

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MURIEL HUDSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:11-CV-1215-JCH
)	
MIDLAND FUNDING LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court upon review of plaintiff's second motion for leave to proceed in forma pauperis [Doc. #6] and CJA 23 Financial Affidavit [Doc. #7].

Plaintiff filed the instant action on July 7, 2011, without payment of the \$350 filing fee or a request to proceed in forma pauperis. On July 27, 2011, this Court instructed the Clerk to mail plaintiff a form "Motion to Proceed In Forma Pauperis and Financial Affidavit," and ordered her to either pay the full filing fee or submit a completed motion and financial affidavit [Doc. #3]. On August 19, 2011, plaintiff filed a motion to proceed in forma pauperis and a partially-completed financial affidavit [Doc. #4].

On August 31, 2011, this Court again ordered plaintiff to pay the statutory filing fee of \$350.00, or to submit a fully completed and signed "Motion to Proceed without Prepayment of Costs" and "Financial Affidavit - CJA 23" [Doc. #5]. In this regard, the Court noted that although plaintiff had indicated that she was presently employed, she had failed to state how much she earned per month in that employment. The Court explained that it was, therefore, unable to determine whether plaintiff was financially unable to pay the filing fee. Plaintiff was advised that

her failure to comply with the Court's Order within thirty days would result in dismissal of her case, without prejudice.

On October 3, 2011, plaintiff filed a second motion for leave to proceed in forma pauperis [Doc. #6] and CJA 23 Financial Affidavit [Doc. #7]. Upon review, the Court finds that plaintiff again has failed to state how much she earns per month in her present employment. Thus, plaintiff has failed to comply with the August 31 Order, and the Court will now dismiss this action, without prejudice.

Therefore,

IT IS HEREBY ORDERED that the instant action is **DISMISSED**, without prejudice, for plaintiff's failure to comply with this Court's Order of August 31, 2011. *See* Fed. R. Civ. P. 41(b).

IT IS FURTHER ORDERED that plaintiff's motions for leave to proceed in forma pauperis [Docs. #4 and #6] are **DENIED** as moot.

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 5th day of October, 2011.

/s/Jean C. Hamilton

UNITED STATES DISTRICT JUDGE